

# MIAMI BEACH


## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: January 6, 2026

TO: Chairperson and Members  
Planning Board

FROM: Thomas R. Mooney, AICP  for TM  
Planning Director

SUBJECT: PB25-0807, **1244 Ocean Drive – Leslie Hotel**.

An application has been filed requesting Conditional Use approval for a Neighborhood Impact Establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

### **RECOMMENDATION**

Approval of the conditional use permit with conditions.

### **BACKGROUND**

October 12, 2010: The Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the 3-story hotel including the construction of a new roof-top pool and pool deck (HPB 7069)

September 16, 2025: The Historic Preservation Board reviewed and approved modifications to the previously approved Certificate of Appropriateness relative to the rooftop pool deck operational conditions (HPB25-0660).

### **ZONING / SITE DATA**

Folio: 02-3234-008-0380

Legal Description: Lot 3 and the south 5 feet of Lot 2, Block 17 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

Zoning: MXE, Mixed-use entertainment

Future Land Use Designation: MXE, Mixed-use entertainment

Existing Use: Hotel

Proposed Use: no change



persons, and neighborhood values.

**Consistent**

**Staff has included recommended conditions in the draft CUP to mitigate any adverse impacts from noise and other issues on the surrounding neighborhood.**

7. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

**Consistent**

**There is not a concentration of similar uses within the surrounding neighborhood. Staff does not anticipate an adverse impact on the surrounding area but is recommending conditions in the draft CUP to mitigate any potential adverse impacts.**

8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

**Consistent**

**See Compliance with Sea Level Rise and Resiliency Review Criteria section of this report.**

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic, passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

**Not Applicable**

### **NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES**

In accordance with Chapter 7, Article 5 Sec. 7.5.5.4 of the Miami Beach Resiliency Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to Chapter 2, Article V:

1. An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.

**Consistent**

**The operational plan provided includes all necessary information of hours of operation, number of employees, menu items, and goals of business.**

2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.

**Not Applicable**

**The project does not require off-street parking. The rooftop pool and deck is for the exclusive use of hotel guests and their invitees only.**

3. An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises would be controlled.

**Consistent**

**The rooftop pool and deck is for the exclusive use of hotel guests and their invitees only large groups are not anticipated to gain entry to the roof deck at the same time.**

4. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.  
**Consistent**  
**The applicant has submitted an access and security plan as part of the operational plan.**
5. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.  
**Not Applicable**  
**The rooftop pool and deck is for the exclusive use of hotel guests and their invitees only and is not open to the general public.**
6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.  
**Consistent**  
**Sanitation operations will occur from the designated trash and recycling area located on the site as part of the operation of the hotel. Trash collection will take place during regularly scheduled times using the City-approved commercial waste haulers.**
7. A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.  
**Consistent**  
**No entertainment is proposed for the rooftop; only background level music that does not interfere with normal conversation.**
8. Proximity of proposed establishment to residential uses.  
**Partially Consistent**  
**The subject property is surrounded by commercial uses along the north and south, and multi-family residential is located to the west. Staff is recommending conditions in the draft CUP to ensure that nearby residents are not adversely affected.**
9. Cumulative effect of proposed establishment and adjacent pre-existing uses.  
**Consistent**  
**There are no adjacent NIEs for rooftop alcoholic beverage service at the roof level. Staff does not anticipate an adverse impact on the surrounding area but is recommending conditions in the draft CUP to mitigate any potential adverse impacts.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Applicable**
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Not Applicable**
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

**Not Applicable**

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.

**Not Applicable**

5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

**Not Applicable**

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entryways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

**Not Applicable**

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood.

**Not Applicable**

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation.

**Not Applicable**

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in General Ordinances.

**Not Applicable**

10. As applicable to all new construction, stormwater retention systems shall be provided.

**Not Applicable**

11. Cool pavement materials or porous pavement materials shall be utilized.

**Not Applicable**

12. The design of each project shall minimize the potential for heat island effects on-site.

**Not Applicable**

**ANALYSIS**

As noted in the Background section of this report, on October 12, 2010, the applicant received Historic Preservation Board approval for the renovation and restoration of the hotel and the introduction of a rooftop pool and deck. As part of the HPB approval, the Board included several operational conditions related to the use of the rooftop deck, including a prohibition on alcoholic beverage service on the rooftop. The hotel reopened in 2014 and has been in operation for over 10 years.

On September 16, 2025, the applicant returned to the HPB to request modifications to the conditions of the order so that an application to the Planning Board could be submitted for rooftop alcoholic beverage service. The HPB approved the requested modifications, and the applicant subsequently filed a Planning Board application for a Neighborhood Impact Establishment pursuant to subsection c. of the definition of an NIE.

Neighborhood Impact Establishment means:

- a. *An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall, with an occupant content of 300 or more persons as determined by the chief fire marshal; or*
- b. *An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall, with an occupant content of 200 or more persons as determined by the chief fire marshal; or*
- c. *An alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit.*

Additionally, the Consolidated Historic Preservation Board Order (HPB25-0660) is attached to this report for reference.

### **Operations**

The rooftop pool and deck are for the exclusive use of hotel guests and their invitees only and not open to the general public. The applicant is desirous to offer alcoholic beverage service to guests utilizing the rooftop amenities. As outlined in the HPB Order, the maximum permitted occupancy on the roof deck is 50 persons, inclusive of hotel staff, hotel guests and their invitees. Guests at the rooftop are currently able to order food service from the dedicated pool attendant. The food is delivered to the rooftop from an existing dumbwaiter located within the building. As proposed, guests and their invitees will also be able to order alcoholic beverages from the attendant.

The following rooftop operating hours are proposed:

Monday through Thursday: 7:00 a.m. until 9:00 p.m.  
Friday through Sunday: 7:00 a.m. until 11:00 p.m.  
July 4 and December 31: 7:00 a.m. until 2:00 a.m.

### **Entertainment and Sound**

No entertainment is proposed at the roof level, only ambient background level music that does not interfere with normal conversation. The applicant has an existing rooftop sound system that was installed as part of the 2010 renovations and is governed by several conditions within the HPB Order. Further, a sound study was not required, as no outdoor entertainment is proposed and adverse noise impacts are not expected from the introduction of rooftop alcoholic beverage service.

### **Parking and Transportation**

No parking is provided on-site and, as the rooftop is for the exclusive use of hotel guests and their invitees. As such there are no expected impacts to the transportation network.

### **Security and Crowd Control**

The roof deck is accessed internally from the hotel and is not open to the general public. As such no adverse impacts are anticipated with regard to security and crowd control. Additionally, the pool attendant will oversee the safety and security of the rooftop area.

### **Deliveries and Sanitation**

The hotel and ground level restaurant are currently in operation, and all deliveries and sanitation pickup is coordinated by the hotel. The introduction of alcoholic beverage service at the rooftop should have no impact on the existing operations.

In summary, staff is supportive of the request to introduce alcohol beverage service at the rooftop pool deck for the use of hotel guests and their invitees only. Staff has included several recommended conditions in the draft CUP to mitigate any potential adverse impacts and recommends approval of the application as noted below.

### **STAFF RECOMMENDATION**

In view of the foregoing, staff recommends the application be approved, subject to the conditions in the attached draft order.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: September 16, 2025

PROPERTY/FOLIO: 1244 Ocean Drive / 02-3234-008-0380

FILE NO: HPB25-0660 a.k.a. HPB 7069

APPLICANT: Ocean Hotels Investments LLC

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the 3-story hotel including the construction of a new rooftop pool and pool deck. Specifically, the applicant is requesting to modify several conditions of the final order.

LEGAL: Lot 3 and the south 5 feet of Lot 2, Block 17 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

**CONSOLIDATED ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

- A. The subject site is located within the Ocean Drive Collins Avenue Park Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
  1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 7.1.2.4(a)(1) of the Land Development Regulations.
  2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
  3. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
- C. The project would remain consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations if the following conditions are met:

Page 2 of 12

HPB25-0660 a.k.a. HPB 7069

Meeting Date: September 16, 2025

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The lobby shall be fully restored to the greatest extent possible based on the available historic documentation, subject to the review and approval of staff.
  - b. Additional details of the proposed roof-top mechanical screening shall be provided, including a detailed roof-top floor plan that clearly delineates all mechanical equipment and fixtures, subject to the review and approval of staff.
  - c. The final design details, materials, dimensions and location of the proposed trellis/canopy shall be subject to the review and approval of staff.
  - d. The final design and details of the proposed new basement storefront on the south elevation shall be further revised to form a better relationship with the existing masonry openings of the upper floors, in a manner to be approved by staff.
  - e. All windows and doors shall be composed of clear glazing with anodized aluminum frames, subject to the review and approval of staff. Light grey tint may be utilized to meet applicable energy and other regulatory codes and requirements, in a manner to be approved by staff. All windows and doors within original masonry openings shall match the original configurations, as shown in historic microfilm, in a manner to be approved by staff.
  - f. Additional details of the proposed exterior glass railings shall be provided, including color and method of attachment shall be provided, in a manner to be reviewed and approved by staff.
  - g. The details of the proposed room labeled 'trash/electrical' shall be provided. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required.
  - h. All existing external ductwork shall be relocated to an internal chase, in a manner to be reviewed and approved by staff.
  - i. All external electrical conduits shall be removed and internally located.
  - j. All chain link and wood fencing on the property shall be removed.
  - k. No exterior bar counter of any type shall be permitted along the front of the property or on the proposed roof top pool deck.
  - l. The final details of all exterior and lobby railing systems, including materials, dimensions and finishes, shall be subject to the review and approval of staff. Only handrails and vertical supports with a flat profile and aluminum finish shall be permitted on the exterior and in the lobby of the proposed project site, subject to the review and approval of staff.

Page 3 of 12

HPB25-0660 a.k.a. HPB 7069

Meeting Date: September 16, 2025

- m. A museum quality historic analysis and display of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building on site, shall be submitted to and approved by staff, prior to the issuance of a Building Permit; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
  - n. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
  - o. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
  - p. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. Landscaping shall be incorporated into the north and south sideyards of the building.
  - b. All exterior walkways shall consist of decorative pavers, decorative concrete or other decorative material, subject to the review and approval of staff.
  - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - d. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and

Page 4 of 12  
HPB25-0660 a.k.a. HPB 7069  
Meeting Date: September 16, 2025

- vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
  4. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
  5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
  6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
  7. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
  8. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
    - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
    - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.

Page 5 of 12

HPB25-0660 a.k.a. HPB 7069

Meeting Date: September 16, 2025

- c. Mill/resurface asphalt in rear alley along property, if applicable.
  - d. Provide underground utility service connections and on-site transformer location, if necessary.
  - e. Provide back-flow prevention devices on all water services.
  - f. Provide on-site, self-contained storm water drainage for the proposed development.
  - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
  - h. Payment of City utility impact fees for water meters/services.
  - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - j. Right-of-way permit must be obtained from Public Works.
  - k. All right-of-way encroachments must be removed.
  - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
9. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.
10. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Certificate of Appropriateness for the associated new construction on the subject property.
11. The Applicant agrees to the following operational conditions for all portions of the roof-top deck, as well as any and all permitted hotel and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations
- a. ROOF TOP CONDITIONS
    - i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to

Page 6 of 12  
 HPB25-0660 a.k.a. HPB 7069  
 Meeting Date: September 16, 2025

include the rules and regulations set forth in these conditions in every contract, lease or assignment.

- ii. ~~No alcoholic beverages of any kind shall be served or consumed on the rooftop at any time. Alcoholic beverage service at the rooftop shall require the review of the Planning Board as part of a Conditional Use Permit.~~
- iii. Rooftop facilities, inclusive of any pool or spa and pool or spa deck, shall be for the exclusive use of registered hotel guests and accompanied invitees, and shall not be used as a commercial facility, open to the general public and/or outside guests.
- iv. The rooftop shall only be open for use in accordance with the following schedule, ~~seven (7) days a week:~~

January:	8:00 am until 7:00 pm
February:	8:00 am until 7:00 pm
March:	8:00 am until 8:00 pm
April:	8:00 am until 9:00 pm
May:	8:00 am until 9:00 pm
June:	8:00 am until 9:00 pm
July:	8:00 am until 9:00 pm
August:	8:00 am until 9:00 pm
September:	8:00 am until 9:00 pm
October:	8:00 am until 9:00 pm
November:	8:00 am until 7:00 pm
December:	8:00 am until 7:00 pm

<u>Monday through Thursday:</u>	<u>7:00 am until 9:00 pm</u>
<u>Friday through Sunday:</u>	<u>7:00 am until 11:00 pm</u>
<u>July 4 and December 31:</u>	<u>7:00 am until 2:00 am</u>

In the event a Conditional Use Permit is granted for the rooftop, the hours and dates of operation as authorized by the Planning Board shall control.

- v. The maximum occupancy at any given time on the roof terrace shall not exceed 50 persons, including hotel staff, hotel guests and accompanied invitees. Signage clearly specifying this maximum occupancy, ~~as well as the prohibition of alcoholic beverages on the roof terrace,~~ shall be visible for all hotel guests. In the event a Conditional Use Permit is granted for the rooftop, the occupancy as authorized by the Planning Board shall control.
- vi. Special Events, private parties, and similar activities shall not be permitted on the rooftop deck, at any time, unless authorized by the Planning Board as part of a Conditional Use Permit.
- vii. Live music, including, but not limited to, dj's, musical instruments of any kind and portable stereos, shall not be permitted on the roof deck at any time.

Page 7 of 12  
HPB25-0660 a.k.a. HPB 7069  
Meeting Date: September 16, 2025

- viii. Ambient background music on the roof deck may be permitted, if such system is designed in accordance with all recommendations outlined on page 12 of the Acoustic Assessment of the Leslie Hotel, as prepared by Sieben Associates, Inc., dated June 3, 2010. A qualified sound engineer shall be required to design, and after installation certify compliance of such system with the Acoustic Assessment, subject to the review and approval of staff.
  - ix. No bar, service or other type of counter, whether permanent or temporary, shall be placed on the roof or on any terraces, private decks or balconies at any time.
  - x. Grills or cooking facilities, of any kind, either permanent or temporary, shall not be permitted on the roof deck, at any time.
  - xi. The applicant shall install sound attenuating design elements throughout the roof deck, in accordance with all applicable and approved noise studies, in order to minimize any spillover of sound to adjacent properties, in a manner consistent with the limits and requirements of the City Code and subject to the review and approval of staff.
  - xii. Rooftop lighting fixtures, if required by Code, shall be located at or below the parapet level of the roof and shall be designed to deflect light from spilling over to adjacent and nearby properties.
  - xiii. All roof-top fixtures, air-conditioning units and mechanical devices shall be screened from view. In addition, the applicant shall install an exhaust system for the interior kitchen that will substantially reduce all grease and smoke that would otherwise escape to the surrounding area. The applicant shall also install the fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels at the exhaust outlet.
  - xiv. There shall be no variances or exceptions to any of these roof-top operational conditions, unless reviewed and approved by the Historic Preservation Board or Planning Board, as applicable.
- b. NOISE CONDITIONS
- i. The Historic Preservation Board (HPB) or the Planning Director shall retain the right to call the owners and/or operators back before the HPB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, and the placement or use on the property of exterior loudspeakers, fixed or portable, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.

Page 8 of 12

HPB25-0660 a.k.a. HPB 7069

Meeting Date: September 16, 2025

- ii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
  - iii. The hotel rules and practices shall prohibit registered guests, visitors, invitees and others using the hotel facilities or otherwise on the premises, from operating audio amplification equipment, inclusive of loudspeakers, radio receivers, television sets, musical instruments, or other machines or devices for the producing or reproducing of sound, that produces noise that is plainly audible at any apartment unit in the adjacent and nearby properties.
  - iv. Notwithstanding the occupancy and seat counts shown on the plans submitted, calculations for concurrency for the project shall be determined by the Planning Department prior to approval of a building permit. Such parking and traffic calculations shall be based upon both the number of hotel rooms, and, additionally, the intensity of the proposed accessory restaurant as measured by the number of seats in dining areas, and by the square footage of the liquor service areas not included in the areas for which seats are calculated as provided for in this subparagraph.
- c. OPERATIONAL CONDITIONS
- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
  - iii. Garbage dumpster covers shall be closed at all times except when in active use and garbage pickups and service deliveries shall not take place between 7PM and 8AM.
  - iv. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors shall be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
  - v. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.

Page 9 of 12

HPB25-0660 a.k.a. HPB 7069

Meeting Date: September 16, 2025

- ~~12. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.~~
- ~~13. The Final Order shall be recorded in the Public Records of Miami Dade County, prior to the issuance of a Building Permit.~~
- ~~14. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.~~
- ~~15. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.~~
- ~~16. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.~~

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special magistrate appointed by the City Commission.

## II. Variance(s)

- A. No variances have been applied for as part of this application.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

## III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same as are contained herein, and in the original Order dated October 12, 2010. Accordingly, this Order shall serve as the Final Order and, in the event of conflict between the provisions hereof and those of the October 12, 2010 Order, the provisions hereof shall control.

Page 10 of 12

HPB25-0660 a.k.a. HPB 7069

Meeting Date: September 16, 2025

- B. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- H. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans and documents approved by the Historic Preservation Board on October 12, 2010 and September 16, 2025, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit,



Page 12 of 12  
HPB25-0660 a.k.a. HPB 7069  
Meeting Date: September 16, 2025

Approved As To Form: DocuSigned by:  
*Nickalleg* ( 9/22/2025 | 10:53 ) AM EDT  
City Attorney's Office: \_\_\_\_\_

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*Jessica Erking* ( 9/22/2025 | ) 1:07 PM EDT  
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~~Strike Thru~~ denotes language deleted by the Board on September 16, 2025  
Underscore denotes language added by the Board on September 16, 2025

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**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

MEETING DATE: January 6, 2026

PROPERTY/FOLIO: 1244 Ocean Drive / 02-3234-008-0380

FILE NO: PB25-0807

APPLICANT: Ocean Hotels Investments LLC

IN RE: An application has been filed requesting Conditional Use approval for a Neighborhood Impact Establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

LEGAL: Lot 3 and the south 5 feet of Lot 2, Block 17 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

**CONDITIONAL USE PERMIT**

The applicant is requesting a Conditional Use Permit for the operation of a Neighborhood Impact Establishment consisting of a rooftop alcoholic beverage establishment. Notice of the request was given, as required by law, and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the MXE, Mixed-use Entertainment zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter,

and the staff report and analysis, which is adopted herein, including staff recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed.

1. This Conditional Use Permit is issued to Ocean Hotels Investments LLC, as the owner and operator of the hotel. Any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.
2. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.
3. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
  - A. The project authorized by this Conditional Use Permit includes the creation and operation of a rooftop alcoholic beverage establishment, which is located on a property that is within 200 feet of a property containing a residential unit.
  - B. The rooftop shall not be open to the public and is for the exclusive use of hotel guests and their invitees only.
  - C. The hours of operations shall be limited as follows:

Monday through Thursday:	7:00 a.m. until 9:00 p.m.
Friday through Sunday:	7:00 a.m. until 11:00 p.m.
July 4 and December 31:	7:00 a.m. until 2:00 a.m.
  - D. The operator shall designate a contact person to be available by telephone on a 24-hour basis. The telephone number of the contact shall be provided to neighboring residents.
  - E. Entertainment is not permitted.
  - F. The maximum occupancy at any given time on the roof terrace shall not exceed 50 persons, including hotel staff, hotel guests and accompanied invitees. Signage clearly specifying this maximum occupancy.

- G. No bar, service or other type of counter, whether permanent or temporary, shall be placed on the roof at any time.
  - H. Only ambient background music played at a volume that does not interfere with normal conversation may be permitted in the outdoor/rooftop/open air areas and shall be subject to the following conditions:
    - i. The outdoor speaker system shall require the deployment of multiple small, closely spaced speakers, driven at low individual volumes. Subwoofers shall be prohibited anywhere on the exterior of the premises. The system design shall physically distribute sound uniformly within the listening area.
    - ii. All outdoor speakers shall be oriented in such a way as to minimize sound propagation towards abutting properties.
    - iii. Only the outdoor speakers approved as part of the house sound system shall be used.
    - iv. Televisions shall not be located anywhere in the exterior areas of the property.
  - I. Queuing shall be prohibited in the right of way at all times.
  - J. Delivery trucks shall not be allowed to idle in the loading zone area.
  - K. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
  - L. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use. Garbage dumpster covers shall be closed at all times except when in active use.
  - M. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
4. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under Section 2.5.2.5 of the Resiliency Code.
  5. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report

before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.

6. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
7. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
8. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
9. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
11. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load of the accessory uses proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
12. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 2.5.2.5 of the Land Development Regulations (LDRs) of the City of Miami Beach, Florida, entitled "Compliance with conditions; revocation or modification".
13. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.
14. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

15. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.

16. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 1.3.7 of the Land Development Regulations, entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use permit.

17. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLANNING BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
FOR THE CHAIR

STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ (                    ) )

Filed with the Clerk of the Planning Board on \_\_\_\_\_ (                    ) )